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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

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)  
Amendment of Part 13 of the )  
Rules to Privatize the )  
Administration of Examination for )  
Commercial Radio Operator Licenses )  
and to Clarify Certain Rules )

FO Docket No. 92-206

To: The Commission

REPLY COMMENTS  
OF  
NATIONAL ASSOCIATION OF BUSINESS  
AND EDUCATIONAL RADIO, INC.

The National Association of Business and Educational Radio, Inc. ("NABER"), pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. Section 1.415, hereby respectfully submits its Reply Comments in response to the Comments filed by various parties in the above-captioned proceeding.<sup>1</sup>

I. BACKGROUND

A. NABER Comments

In its initial Comments, NABER supported the Commission's proposal to privatize the administration of the Commission's commercial radio operator examinations. This measure will permit the examinations to be given at more sites and more frequently. NABER urged the Commission to select multiple testing entities to administer the tests to maintain the standard of quality for commercial radio operator licenses. NABER suggested that persons

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<sup>1</sup>The deadline for submitting Reply Comments was extended by Order of the Chief, Private Radio Bureau, released January 25, 1991. 56 FR 3812 (January 31, 1991).

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requesting certification as a testing entity demonstrate some communications expertise, experience in developing and/or administering tests, and the ability to provide test administration nationwide.

NABER discouraged the Commission from mandating a set examination fee schedule for the selected testing entities. NABER encouraged the Commission to participate in the development of the questions to be utilized by the testing entities, but recognized that the Commission may not have the resources for such participation. In that event, NABER recommended that each testing entity be required to develop its own tests. These examinations must be submitted to the Commission for approval. Should the Commission request, the testing entity would be required to demonstrate the methods by which the test was developed and evidence that the examination is content valid and psychometrically sound.

Finally, NABER suggested that the Commission retain oversight over the fees charged for the examinations as well as require a "speed of service" standard by each testing entity to score, evaluate and notify the applicant and the Commission of the results of the examination.

#### **B. Comments Of Other Parties**

All commenters supported the Commission's privatization of the administration of the commercial radio operator examination. Approximately one-half of the parties submitting comments in this proceeding recommended that the Commission certify NABER, the

National Association of Radio and Telecommunications Engineers, Inc. ("NARTE"), and the Society of Broadcast Engineers, Inc. ("SBE") as testing entities because of their communications expertise and establishment of technician certification programs. Several commenters filed substantive recommendations regarding the manner in which the Commission should select the testing entities and procedures by which the testing entities must administer the examinations and expressed an interest in selection as a testing entity. Finally, several commenters addressed the regulatory structure for the privatization of the examinations, but did not seek selection as a testing entity.

## **II. REPLY COMMENTS**

Overall, the recommendations regarding the selection method and regulatory structure of the administration of examinations comported with NABER's comments. However, NABER takes issues with certain suggestions proposed by several of the parties.

### **A. Number of Testing Entities to be Selected**

Several commenters urged the Commission to select only one testing entity, or that ultimately the number of testing entities would be reduced to one. NABER reiterates its position that the Commission must recognize multiple sources for the administration of the examinations. Competition will ensure that the standard of quality of the examinations is maintained, that fees remain competitive, and that the examinations are provided more frequently and at a greater number of sites.

#### **B. Creation of a Testing Committee**

NARTE proposes that the Commission form a committee made up of representatives from each selected examining entity to address difficulties arising from the administration of examinations and to improve the program. NABER agrees that with any certification program there will be certain difficulties that arise in the development process. Further, any certification process must look for methods to improve the program because of the continual change in technology. However, an entity that wishes to become a selected testing entity must be able to resolve the difficulties and improve the program or risk the loss of its certification. NABER sees no value in establishing a committee that could result in entities remaining certified even though they are unable to maintain a high standard of quality in the administration of the examinations. Accordingly, NABER does not support creation of testing entity committee.

#### **C. Separate Test for Private Land Mobile Radio**

The Association of American Railroads ("AAR") suggests that the Commission have a separate test addressing private land mobile radio. NABER notes that its current Technician Certification test was developed to specifically include two-way technology in the Commission's tests. Therefore, the test that AAR requests is already available.

#### **D. The Amateur Approach to Testing**

Mr. Maia recommends that the commercial radio operator examination be patterned on the Amateur Radio procedures for

testing. NABER is unable to support this type of procedure. The Amateur Radio procedures would not retain enough oversight over the testing entity or the examinations given.

**E. Fee Schedules**

NABER disagrees with the commenters who recommend that the Commission set a uniform fees schedule for the administration of the examinations. NABER urges the Commission to refrain from mandating a set fee schedule for examinations. With a selection of multiple recognized testing entities, the Commission should permit the market place to dictate the fees for the various tests administered. Further, the Commission has insufficient information available to establish fees. The cost of administration of examinations will vary depending on the geographic area in which the test is given, the number of times a test is administered, and certain capital and operating expenses. Additionally, the testing entity should be permitted to assess higher fees for special services, such as expedited speed of service. NABER, however, recommends the Commission retain an oversight function over the fees charged.

III. CONCLUSION

WHEREFORE, the National Association of Business and Educational Radio, Inc. respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

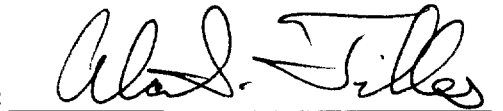
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